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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

PHILLIP WHITE, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

T.W. GARNER FOOD CO., a North  
Carolina corporation,

Defendant.

Case No. 2:22-cv-06503-MEMF (SKx)

**CLASS ACTION**

Assigned to Hon. Maame Ewusi  
Mensah Frimpong

**DECLARATION OF PLAINTIFF  
PHILLIP WHITE**

**DECLARATION OF PHILLIP WHITE**

I, Phillip White, declare as follows:

1. I am the Plaintiff in this action and I am over the age of eighteen. I have personal knowledge of the facts set forth in this declaration, except where expressly stated as based upon information and/or belief. If called upon to testify to the matters contained in this declaration, I could and would testify competently thereto. I make this declaration in support of Plaintiff's Motion to Dismiss.

2. ***Kroger Action.*** In early fall 2021, I filed a lawsuit regarding "Reef Friendly" Kroger sunscreens, entitled *White v. The Kroger Co., et al.*, N.D. Cal.3:21-cv-08004-RS, filed October 12, 2021. Kroger then deployed private investigators stake out, follow, and invade the privacy of third parties in their homes and at their jobs to personally serve or attempt to personally serve deposition and document subpoenas. These third parties included Daniel O'Brien and Christopher O'Brien, other family members of the O'Briens, and several friends of mine. Kroger's persistent and escalating intimidation tactics and harassment of both myself and other people that I know ultimately resulted in me deciding to file a motion to dismiss the case in June 2023, which the court granted.

3. ***Initiation of this Action.*** In or around September 2021, I bought one bottle of "Texas Pete's Original Hot Sauce" in Los Angeles, California. I relied on the advertising and labeling of the product, believing that I was receiving a Texas-made product. I worked with Lauren E. Anderson to initiate this action because I knew she worked as an attorney on false-advertising cases, and she has always seemed like the most trustworthy person. I personally think that false advertising is akin to theft by corporations. And, when corporations steal a few dollars from millions of people, they should not get away with it.

4. ***No Capper Scheme to Recruit Me.*** Nobody has recruited me as part of any illegal scheme or capper arrangement. None of the people that I know from Clarkson Law Firm, or anyone who claimed affiliation with Clarkson Law Firm, has

1 ever solicited me for business. This includes payments and promises of payments to  
2 me, my family members, and my friends. Daniel O’Brien, Christopher O’Brien, and  
3 Lauren E. Anderson have never solicited my participation or business as a client of  
4 Clarkson Law Firm. They also have not received any payments or promises of  
5 payments in exchange for my participation in this case. All allegations that Clarkson  
6 Law Firm or any of its attorneys are illegally procuring the business of myself or any  
7 other plaintiff is patently false and offensive. Any suggestion that I have  
8 manufactured this lawsuit, that I have knowingly bought the falsely advertised “Texas  
9 Pete” hot sauce for purposes of pursuing this case, or that I have lied about buying the  
10 “Texas Pete” hot sauce is patently false and offensive.

11 **5. No Pre-Existing Familial, Financial, or Social Relationships with**  
12 **Counsel of Record.** I have no familial, financial, or social relationship with my  
13 counsel of record, including Ryan Clarkson, Bahar Sodaify, Alan Gudino, and Ryan  
14 Ardi, outside of the attorney-client relationship governed by my retainer agreement  
15 with Clarkson Law Firm. I have never met their family or friends.

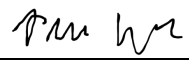
16 **6. Subpoenas.** I am aware now that the same harassment has begun in this  
17 case with third party subpoenas served on Daniel O’Brien and Chris O’Brien and a  
18 private investigator following Ms. Anderson. I do not want my friends or their family  
19 to be harassed simply because I am a Plaintiff in this case. I am also aware that  
20 Defendant is making defamatory statements about me and my character in public  
21 documents filed in this case with no basis and I wish for that stop. Therefore, in order  
22 to stop the continued unwarranted harassment of my friends and their family, and to  
23 put an end to Defendant’s unfounded accusations, I have decided to dismiss my case.

24 **7. No Communications re: Lawsuit or Purchase.** Prior to the subpoenas  
25 being served, I had not discussed this case with anyone, including Daniel O’Brien and  
26 Christopher O’Brien, only with my attorneys. Nor have I discussed buying the T.W.  
27 Garner Food Co. “Texas Pete” hot sauce with Daniel O’Brien and Christopher  
28 O’Brien prior to them being served. I had no reason to discuss this case or T.W.

1 Garner Food Co. "Texas Pete" hot sauce prior to them being served. I do not ordinarily  
2 discuss such matters with them. And I understand and believe that, when you file a  
3 lawsuit, you should not discuss it or any of the events that led to the lawsuit with  
4 people other than your lawyers.

5 8. **Harassment.** I feel that I, my friend Daniel O'Brien, and his family are  
6 being unfairly harassed by the subpoenas. That is because they have absolutely no  
7 involvement in my purchase or use of the T.W. Garner Food Co. "Texas Pete"  
8 hot sauce, my decision to file this lawsuit, and my participation in this lawsuit. I have  
9 not engaged in any illegal scheme to manufacture fake lawsuits, or be recruited by  
10 any attorneys in exchange for money. The harassment and unfounded accusations  
11 have only gotten worse since I first learned that Daniel and Christopher O'Brien were  
12 subpoenaed. While I strongly believe in this case, I do not think it is fair to subject  
13 others to this sort of harassment.

14 I declare under penalty of perjury of the laws of the United States of America  
15 that the foregoing is true and accurate to the best of my ability. Executed on  
16 September 28, 2023, in the County of Los Angeles, State of California.

17  
18 By:   
19 Phillip White  
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